

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-16 remain pending in this application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, claims 1-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks (U.S. Patent No. 5,659,350) in view of Tsukakoshi (U.S. Patent No. 5,086,426), Okimoto (U.S. Patent Application Publication No. 2002/0051539) Tamer (U.S. Patent No. 5,619,501) and Roop (U.S. Patent No. 5,619,274). Applicant submits that the claims are patentably distinguishable over the relied on sections of the references.

Independent claims 1, 5-8 and 12-14 have each been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found at, e.g., ¶¶ [0105] and [0114] of the specification.

As amended herein, claim 1 recites:

a first generating unit operable to set identification information corresponding to a reception device and reception control information for controlling the reception operation of the reception device in an area secured in advance in a format of composite information, thereby generating composite information, the composite information including (i) a version number of the composite information having a value that is incremented each time the composite information is renewed and (ii) a version number of the reception control information having a value that is incremented each time the reception control information is renewed[.]

(Emphasis added.) Neither the relied on sections of Hendricks, the relied on sections of Tsukakoshi, the relied on sections of Okimoto, the relied on sections of Tamer, nor the relied on sections of Roop disclose or suggest a version number of composite

information having a value that is incremented each time the composite information is renewed. Moreover, neither the relied on sections of Hendricks, the relied on sections of Tsukakoshi, the relied on sections of Okimoto, the relied on sections of Tamer, nor the relied on sections of Roop disclose or suggest a version number of reception control information having a value that is incremented each time the reception control information is renewed.

The Office Action contends that "Tamer discloses the composite information includes a version number of the reception control information" and relies on column 4, line 45-column 5, line 3 of Tamer. However, such sections of Tamer merely describe that entitlement management messages (EMM) is used by a subscriber-specific smart card to determine program material to which the subscriber is entitled and that such information may be made geographically specific, group specific, or subscriber specific. The sections of the reference are not concerned with a version number of an EMM and are not concerned with such version number having a value that is incremented each time the EMM is renewed.

Neither the relied on sections of Hendricks, the relied on sections of Tsukakoshi, the relied on sections of Okimoto, nor the relied on sections of Roop overcome the deficiencies of the relied on sections of Tamer.

The Office Action further contends that Roop discloses "the composite information including the (i) a version number of the composite information" and relies on column 12, lines 53-61 of Roop. However, the relied on sections of Roop simply describe that program guides are encrypted with a program key and that the program keys are changed periodically and distributed under batch keys. These sections of the patent are not concerned with a

version number of the program key and are not concerned a version number of a program key having a value that is incremented each time the program key is renewed.

Neither the relied on sections of Hendricks, the relied on sections of Tsukakoshi, the relied on sections of Okimoto, nor the relied on sections of Tamer overcome the deficiencies of the relied on sections of Roop.

It follows, for at least these reasons, that neither the relied on sections of Hendricks, the relied on sections of Tsukakoshi, the relied on sections of Okimoto, the relied on sections of Tamer, nor the relied on sections of Roop, whether taken alone or in combination, disclose or suggest the combination set out in claim 1. Claim 1 is therefore patentably distinct and unobvious over the relied on sections of the references.

Independent claims 5-8 and 12-14 each call for features similar to those set out in the above excerpts of claim 1. Claims 5-8 and 12-14 are therefore each patentably distinct and unobvious over the relied on sections of Hendricks, Tsukakoshi, Okimoto, Tamer and Roop at least for the same reasons.

Claims 2-4 and 15 depend from claim 1, and claims 9-11 and 16 depend from claim 8. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons as the claim from which it depends.

Accordingly, Applicant respectfully requests the withdrawal of the rejection under 35 U.S.C. § 103(a).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone

applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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